

Application No. 09/853,197  
Amendment dated January 6, 2006  
Reply to Office Action of September 9, 2005

Docket No. 1232-4714

### **REMARKS**

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks.

#### **Status of the Claims**

Claims 1-17 are pending in this application. Claims 1, 8, 15 and 17 are independent. All of the pending claims stand rejected. By this Amendment, claims independent claims 1, 8, 15 and 17 are amended. No new matter has been added by this Amendment.

#### **Rejection under 35 U.S.C. §102**

Claims 1-6, 8-13 and 17 have been repeatedly rejected under 35 U.S.C. §102(b) as being anticipated by EP650292A1 to Miyawaki et al. ("Miyawaki"). The Examiner indicates, *inter alia*, that the Driving Signal Processing Circuit 110 as shown in Fig. 8 of Miyawaki is equivalent to the "display designating unit" of claim 1. The Examiner further indicates that:

As shown in figure 10e said image NOT designated by the display designating unit corresponds to an area selected by a user for auto-focusing and electronic zooming as stated in column 14, lines 47-54. Furthermore, column 12, lines 49-54, specifically states that ONLY a portion of said image sensor corresponding to selected area of figure 10e is readout. (page 4 of the Office Action)

First of all, there is no indication in Miyawaki that the Driving Signal Processing Circuit 110 determines whether or not the image is displayed in the display device 109. For example, relevant portions of Miyawaki describes "[f]urther, the electronic viewfinder part 104 ... consists of ..., a driving signal processing 110 which is arranged to drive the LCD 109 according to the signal outputted from the the [sic] RGB decoder 108..." (column 12, lines 23-30), and "[t]he output of the driving signal processing circuit 110 is supplied to the LCD 109 to drive the LCD 109 accordingly." (column 14, lines 2-4)

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Secondly, a portion of Miyawaki cited by the Examiner (i.e., col. 14, lines 47-54) merely states that Fig. 10(e) is an enlarged image of the image of Figure 10(d). Applicant further notes that both of images in Figures 10(e) and 10(d) of Miyawaki are displayed on the LCD 109.

Another portion of Miyawaki cited by the Examiner (i.e., col. 12, lines 49-54) simply states that “the image pickup device driving circuit 106 is arranged to be caused by the AF area designating switch 114 to drive the image pickup device 101 in such a way as to read out a picked-up image signal obtained in the selected AF area.”

As a result, there is nothing in Miyawaki that teaches the present invention having a display designating unit that determines whether or not the image is displayed in the image display device and a control unit that controls the change of reading manners (e.g., either a partial reading out mode or a full reading out mode) depending on the determination by the display designating unit. Independent claims 1, 8 and 17 are amended to further clarify that the control unit controls the change of reading manners according to the determination as to whether or not the image is displayed by the image display device.

Accordingly, each of claims 1, 8 and 17 as amended is believed neither anticipated by nor rendered obvious in view of Miyawaki for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claim 1, 8 and 17 under 35 U.S.C. §102(b) is respectfully requested.

**Rejection under 35 U.S.C. §103**

Claims 7 and 14-16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Miyawaki.

Independent claim 15 recites similar functional step as described above for claims 1, 8

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and 17, e.g., a code of a control step by a control unit that controls a change of reading manners of said image signal from said image sensor for obtaining the focus evaluating value according to the determination of said display designating unit.

Accordingly, claim 15 is believed neither anticipated by nor rendered obvious in view of Miyawaki for at least the similar reasons as discussed above regarding claims 1, 8 and 17.

Reconsideration and withdrawal of the rejections of claim 15 under 35 U.S.C. §103(a) is respectfully requested.

Applicant has not individually addressed the rejections of the dependent claims because Applicant submits that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicant however reserves the right to address such rejections of the dependent claims should such be necessary.

Applicant believes that the application as amended is in condition for allowance and such action is respectfully requested.

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### AUTHORIZATION

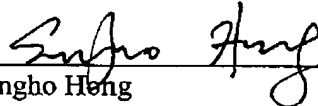
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-4714). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
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Dated: January 6, 2006

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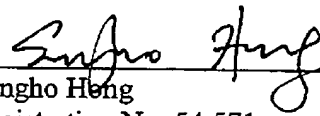
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